

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL GARCIA, an individual, on
behalf of himself and others similarly
situated,

Plaintiffs,

v.

LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT, a public entity, *et al.*,

Defendants.

Case No.: CV 09-8943-DMG (SHx)

**ORDER GRANTING PLAINTIFFS'
MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT
WITH CALIFORNIA
DEPARTMENT OF EDUCATION
[486] AND PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES [480]**

1 Having considered Plaintiffs’ Motion for Final Approval of Class Settlement [Doc.
2 # 486] and Plaintiffs’ Motion for Attorney’s Fees and Costs [Doc. # 480] (collectively
3 “the Motions”), the arguments of counsel, and the proceedings in this action to date, the
4 Court grants the Motions. The Court hereby finds that:

- 5 1. The form and method of distributing notice to the class, which were
6 approved in the Court’s July 20, 2018 preliminary approval order [Doc. #
7 478], fully satisfied the requirements of Rule 23, due process, and any other
8 applicable laws, such that class notice was accomplished in all material
9 respects.
- 10 2. The Class Settlement Agreement with the California Department of
11 Education (“CDE”) and Tom Torlakson, in his official capacity as
12 Superintendent of Public Instruction for the State of California (collectively,
13 “Defendants”), is fair, reasonable, and adequate in all respects. The Class
14 Settlement Agreement provides meaningful relief to the certified Class,
15 including: (i) requiring CDE to invite the Los Angeles County Sheriff’s
16 Department to subscribe to any Listserv that CDE uses to communicate
17 information about special education to and amongst stakeholders; (ii)
18 mandating that CDE disseminate a Guidance Letter to all special education
19 local plan areas (“SELPA”) and local educational agencies (“LEAs”) in
20 California informing them of their obligations to provide special education
21 and related services to eligible students in county jails in compliance with
22 California and federal law; (iii) mandating that CDE post the Guidance
23 Letter to its website; and (iv) requiring CDE to conduct discussions with all
24 CDE personnel within the Special Education Division with responsibilities
25 for complaint investigations and/or monitoring regarding the legal
26 obligations of SELPAs and LEAs to provide special education and related
27 services to students detained in county jails.
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3. The Class Settlement Agreement is reasonably related to the strength of Plaintiffs' claims given the risk, expense, complexity, and likely duration of further litigation. The Class Settlement Agreement is the result of arm's-length negotiations between experienced counsel representing the interests of the Plaintiff Class and Defendants, after thorough factual and legal investigation. No objections to the settlement were received, and approval of the settlement is supported by the named Plaintiff and Class Counsel.
4. The time Plaintiffs' counsel expended on this case was reasonable given the significance, duration, scope, complexity, and nature of the litigation.
5. Additionally, Plaintiffs' counsel's requested hourly rates are reasonable and well within the range of market rates that attorneys with similar levels of skills, experience, and reputation in the greater Los Angeles market charge for handling matters of similar complexity.
6. Thus, the Court finds that an award of fees and expenses of \$90,000 to Plaintiffs' Counsel as compensation for their work on this lawsuit, as provided for in the Settlement Agreement, is warranted.

IT IS HEREBY ORDERED that:

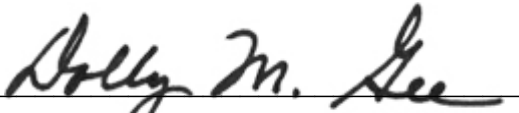
1. The Court has jurisdiction over the subject matter of this litigation, all matters relating thereto, and over Plaintiffs and Defendants. Venue is proper in the Central District;
2. Pursuant to Federal Rule of Civil Procedure 23(e), this Court grants final approval of the Class Settlement Agreement, incorporates the terms of the Class Settlement Agreement into this order as though fully set forth herein, and orders all parties to perform all of their obligations thereunder;
3. This order and the Class Settlement Agreement are binding against the parties, their successors in office, and their respective officers, agents, and employees, and

1 all others acting in concert with them; and

2 4. The Court awards fees and expenses to Plaintiffs' counsel in the amount of
3 \$90,000, which shall be paid in accordance with the Class Settlement Agreement.

4 **IT IS SO ORDERED.**

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6 DATED: November 2, 2018

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9 DOLLYM. GEE
10 UNITED STATES DISTRICT JUDGE
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